IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

AND
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 22017 of 2004

Between:

P.Adinarayana Reddy S/o.Pichi Reddy
Bill Collector, Giddalur Gram Panchayat, Giddalur
Prakasam District.

..... PETITIONER

AND

The Panchayat Secretary,

Giddalur Gram Panchayat
Giddalur, Prakasam District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction, more particularly one in the nature of writ of mandamus, declaring the order of the respondent in Rc.No.76/2004, dated 9.11.2004 and the Judgment of this Honourable A.P. Administrative Tribunal thereon as arbitrary, illegal, discriminatory, malafide, ultravirus, violative of the Principles of natural justice and violative of Articles 14 and 21 of the constitution of India, and consequently set-aside the same and direct the respondents to continue the services of the petitioners in the Respondents Gram Panchayat and grant such other relief as this Honourable High Court may deem fit and proper.

Counsel for the Petitioner: Mr. KASAJAGAN MOHAN REDDY

Counsel for the Respondents: Mr. DANTU.SRINIVAS

The Court made the following

ORDER: (per the Hon'ble Sri Justice G.Bikshapathy)

This Writ petition is filed challenging the order dated 09-11-2004, passed by the learned Administrative Tribunal in O.A.No.6226 of 2004.

2. The proceedings issued by the respondent in R.C.No.76 of 2004, dated 09-11-2004, surrendering the employee to the District Panchayat Office, is assailed in the said O.A. before the Tribunal. The learned Tribunal, however, after considering the matter, refused to interfere with the order, against which, this Writ Petition is filed.

3. The learned counsel for the petitioner submits that the services of the petitioner cannot be surrendered to the District Panchayat office. However, it would be open for the Gram Panchayat to initiate disciplinary action, which will be faced by the employee. By surrendering the petitioner, he will be subjected to forfeiture of future Services in the Gram Panchayat, Giddalur. Therefore, the learned counsel for the petitioner would submit that the order is liable to be set aside.

4. We are afraid, we cannot accept the said contention. It is always open for the respondent, being the head of the Panchayat, Giddalur Gram Panchayat, to transfer an employee from one panchayat to another panchayat, depending upon the exigencies of services. Mere mentioning of allegations would not be construed as if the employee committed misconduct, but, in the interest of the employee himself, such a course of action was. We do not find any illegality or irregularity in the order passed by the learned Tribunal.

5. Accordingly, the Writ Petition is dismissed. No costs.

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(G.BIKSHAPATHY, J)

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(B.SESHASAYANA REDDY, J)

1st December, 2004.

Tsy/rns

To

1. The Panchayat Secretary,

Giddalur Gram Panchayat
Giddalur, Prakasam District.

2. Two CD Copies.